

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
TRANS-SPEC TRUCK SERVICE, INC. )  
d/b/a TRUCK SERVICE, )  
Plaintiff )  
vs. ) CIVIL ACTION NO. 04-11836-RCL  
CATERPILLAR INC. )  
Defendant )  
\_\_\_\_\_

**JOINT MOTION TO AMEND SCHEDULING ORDER**

The plaintiff Trans-Spec Truck Service, Inc. d/b/a Truck Service ("Trans-Spec") and the defendant Caterpillar Inc. ("Caterpillar") respectfully submit this Joint Motion to Amend Scheduling Order. As grounds, Trans-Spec and Caterpillar state that the nature of several deponents' schedules has made it prohibitively difficult to arrange for completion of fact discovery by June 29, 2005. Furthermore, the fact that several deponents are located out of state, and depositions will likely occur in Ohio, Illinois, and possibly other states as well, makes it virtually impossible for the parties to complete fact discovery by the present deadline. Additionally, delays in obtaining documents from non-party fact witnesses and entities have also complicated the discovery process.

Accordingly, Trans-Spec and Caterpillar move the Court to amend its October 27, 2004 Scheduling Order as follows: (a) change the deadline for completion of depositions of non-expert witnesses and service of non-party document-only subpoenas from June 29, 2005 to August 29,

2005<sup>1</sup>; (b) change the deadline for Trans-Spec's expert reports from July 27, 2005 to September 27, 2005; (c) change the deadline for Caterpillar's expert reports from August 24, 2005 to October 24, 2005; (d) change the date for completion of depositions of experts to December 23, 2005; (e) change the date for filing dispositive motions from November 22, 2005 to January 27, 2006.

TRANS-SPEC TRUCK SERVICE, INC.  
By its attorneys,

DONOVAN HATEM, L.L.P.

CATERPILLAR INC.  
By its attorneys,

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Date: May 20, 2005  
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Date: May 20, 2005

<sup>1</sup> Trans-Spec and Caterpillar do not ask the Court to alter the June 29, 2005 deadline insofar as it applies to written discovery requests.